

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANDREW M. CUOMO,

Movant,

v.

LINDSEY BOYLAN,

Respondent.

Case No. 23-mc-01587 (LDH) (TAM)

TROOPER 1,

Plaintiff,

v.

NEW YORK STATE POLICE, ANDREW CUOMO,
MELISSA DEROSA and RICHARD AZZOPARDI,

Defendants.

Case No. 22-cv-00893 (LDH) (TAM)

**DECLARATION OF E. DANYA PERRY IN SUPPORT
OF NONPARTY LINDSEY BOYLAN'S REQUEST TO SEAL**

I, E. Danya Perry, Esq., declare under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. I am an attorney with the law firm Perry Law. I am duly licensed to practice law before all courts of the State of New York and the Eastern District of New York.
2. I submit this declaration in support of nonparty Lindsey Boylan's Request to Seal in response to the Court's Order entered on August 1, 2023 ("August 1 Order") permitting nonparties Ms. Boylan and Ana Liss-Jackson "to respond to Cuomo's sealing request" ("Cuomo's Sealing Request"). I represent Ms. Boylan in connection with this sealing request.

3. Pursuant to the August 1 Order, counsel for Ms. Boylan met and conferred with counsel for Defendants on August 9, 2023. During this meet-and-confer, counsel for Defendants expressed Defendants' opposition to Ms. Boylan's Request to Seal in its entirety.

4. Attached hereto under seal as **Exhibit 1** is a true and correct copy of excerpts of Ms. Liss-Jackson's deposition transcript, which was attached to Mr. Cuomo's Sealing Request as Exhibit C. Ms. Boylan's proposed redactions are highlighted in yellow.

5. Attached hereto under seal as **Exhibit 2** is a true and correct copy of Defendant Andrew Cuomo's Memorandum of Law in Further Support of Former Governor Andrew M. Cuomo's Motion to Compel Lindsey Boylan's Compliance with Subpoena and in Opposition to Lindsey Boylan's and Trooper 1's Motions to Quash Subpoenas Concerning Lindsey Boylan ("Mr. Cuomo's Brief"), *Trooper 1 v. New York State Police, et al.*, Case No. 22-cv-893 (LDH) (TAM) (E.D.N.Y. July 19, 2023) (ECF 99); *Cuomo v. Boylan*, Case No. 23-mc-01587 (LDH) (TAM) (July 19, 2023 E.D.N.Y.) (ECF 21). Ms. Boylan's proposed redactions are highlighted in yellow.

6. Attached hereto as **Exhibit 3** is a true and correct copy of a letter from Ms. Liss-Jackson's attorney, Donald G. Rehkopf, in response to the August 1 Order.

- a. On August 8, 2023, counsel for Ms. Boylan reached out to Mr. Rehkopf regarding his client's position in connection with the August 1 Order. Mr. Rehkopf stated that he planned to provide counsel for the parties and counsel for Ms. Boylan a letter in response to the August 1 Order, which would articulate his client's sealing requests in connection with Mr. Cuomo's Brief and accompanying exhibits. Mr. Rehkopf confirmed his client's position that private communications between Ms. Liss-Jackson and Ms. Boylan and Ms. Liss-Jackson's deposition testimony in this case regarding such communications should be sealed.

- b. On August 9, 2023, Mr. Rehkopf provided counsel for the parties and counsel for Ms. Boylan a letter in response to the August 1 Order.
 - c. That same day, Mr. Rehkopf consented to Ms. Boylan's request to attach a copy of the letter as an exhibit to her sealing request.
7. Attached as **Exhibit 4** is a true and correct copy of an article titled *The Secret Hand Behind the Women Who Stood by Cuomo? His Sister* published by The New York Times on August 7, 2023, available at: <https://www.nytimes.com/2023/08/07/nyregion/cuomo-women-sister-madeline.html?auth=login-google1tap&login=google1tap>

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 9, 2023.

/s/ E. Danya Perry
E. Danya Perry